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Attorneys for Claimants: Richard J. Glasebrook II (Claim No. 9682), Judith Ann Kenney (Claim No. 13929), Richard Nackenson (Claim No. 13968), Henry Ramallo (Claim No. 17607), Christian Reynolds (28442), Marvin C. Schwartz (Claim No. 20244), Stephanie Stiefel (Claim No. 21711), David I. Weiner (Claim No. 18314), Seth Finkel (Claim No. 18067) and Richard Levine (Claim No. 31657).

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re

Chapter 11 Case No.

LEHMAN BROTHERS HOLDINGS INC., et al.

08-13555 (SCC)

Debtors.

(Jointly Administered)

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**AMENDED STATEMENT OF ISSUES AND DESIGNATION
OF RECORD PURSUANT TO RULE 8006**

Claimants Marvin C. Schwartz, Stephanie Stiefel, Richard Glasebrook II, Judith Ann Kenney, Richard Nackenson, Henry Ramallo, Christian Reynolds, David I. Weiner, Richard Levine and Seth Finkel (collectively the “Neuberger Claimants”), pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, hereby submit their amended statement of issues to be presented, and their designation of the items to be included in the record, on appeal of the Order Sustaining Omnibus Objections and Reclassifying Claims for Restricted Stock Units and Contingent Stock Awards, entered herein on November 7, 2014 (ECF. No. 46853) (the “Order”) and the Bankruptcy Court’s underlying Memorandum Decision, dated November 3, 2014 (ECF

No. 46797) (the “Decision”), including all judgments, decrees, decisions, rulings and/or opinions that merged into or became part of the Order or on which the Order is or was based.

Statement Of Issues On Appeal

1. The Neuberger Claimants hereby join in and adopt each and every Statement of Issues on Appeal set out in the Designation filed by Stamell & Schager, LLP, on behalf of its clients, on December 5, 2014 (ECF No. 47221) and the Designation filed by the Law Offices of Lisa M. Solomon, on behalf of its clients, on January 28, 2015 (ECF No. 47992), as well as any and all other issues specified in the designation of same filed by any and all other Restricted Stock Unit (“RSU”) claimants in response to the Order.

2. Did the Bankruptcy Court err in determining that the Neuberger Claimants had a meaningful choice and acted voluntarily in accepting the Lehman pay scheme and acquiring RSUs as part of their compensation?

3. Did the Bankruptcy Court err in equating voluntariness and a meaningful choice with a lack of economic duress and coercion?

4. Did the Bankruptcy Court err in rejecting the Neuberger Claimants’ position that their acquisition of RSUs was involuntary and compelled by reason of the restrictive covenants that required them to remain in Lehman’s employ, and participate in the Lehman pay scheme, after Lehman acquired Neuberger Berman in 2003?

5. Did the Bankruptcy Court err in rejecting the claim of the Neuberger Claimants that their pre-existing restrictive covenants, their right to continue to work in their chosen profession and their resulting mandated, compelled and involuntary acceptance of RSUs as compensation did not constitute a voluntary purchase of securities under Section 510(b) of the Bankruptcy Code?

Designation Of Items For Record On Appeal

The Neuberger Claimants adopt, and incorporate herein by this specific reference and without duplication, the items designated by Stamell & Schager LLP in ECF No. 47221 and the Law Offices of Lisa M. Solomon in ECF No. 47992, as well as the items designated by all other RSU claimants in their designation of same. In addition thereto, the Neuberger Claimants designate the following items:

<u>ECF No.</u>	<u>Description</u>
20996	Neuberger Claimants' Opposition to Debtors' One Hundred Eighteenth Omnibus Objection to Claims
22573	Affirmation of Michael Schlesinger in Opposition to Debtors' 207th Omnibus Objection
25715	Neuberger Claimants' Sur-Reply in Further Opposition to Debtors' 73rd, 118th and 207th Omnibus Objections
31129	Order Reinstating Claim of Richard Levine
42385	Neuberger Claimants Opening Memorandum of Law, January 28, 2014
43424	Neuberger Claimants' Reply and Opposition Memorandum of Law, March 4, 2014
43767	Supplemental Declaration of Stephanie Stiefel, March 26, 2014
43769	Supplemental Declaration of Henry Ramallo, March 26, 2014
Exhibit A to ECF No. 47980	Neuberger Claimants' Exhibit List and Neuberger Claimants' Hearing Exhibits A through O
44567	Neuberger Claimants' Proposed Findings of Facts and Conclusions of Law, June 5, 2014
45093	Letter to Judge Chapman, July 9, 2014
47002	Notice of Appeal, November 20, 2014

Dated: New York, New York
January 28, 2015

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By: /s/
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AFFIRMATION OF SERVICE

EUGENE NEAL KAPLAN, an attorney who is not a party to this action, and is duly licensed to practice in the courts of the State of New York, affirms under penalty of perjury pursuant to CPLR §2106, that I served the annexed Amended Statement of Issues and Designation of Record Pursuant to Rule by electronic transmission to the e-mail addresses below, the attorneys of record, on January 28, 2015.

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